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C O N F I D E N T I A L SECTION 01 OF 03 KABUL 000789

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SUBJECT: OPPOSITION LEADERS ANNOUNCE TWO OPTIONS FOR
INTERIM PERIOD

Classified By: Deputy Chief of Mission Christopher Dell for reasons 1.4
(b) and (d).

11. (C) SUMMARY. On March 28 opposition leaders announced that they had agreed among themselves on two possible options for resolving the post-May 22 presidential continuity issue to a gathering of diplomatic representatives: a transitional mechanism based on political consensus or a caretaker government based on the presidential succession articles of the Constitution. Presidential candidates Anwarulhaq Ahadi and Abdullah Abdullah explained the options and answered the diplomatic attendees' questions during the politically and religiously influential Gailani family-hosted event. The DCM stated that there is a need for continuity and stability of government from May 22 until the next inauguration as Afghanistan cannot afford the distraction of a prolonged political crisis while facing an insurgency, adding that we recognize the concerns of the opposition about a "level playing field" and believe addressing those concerns should be the focus of discussions leading to a political consensus on the way forward. During the ensuing discussion, the organizers made clear their preference for the caretaker government option, but implied they would accept President Karzai remaining in office through the next inauguration if election stakeholders could decide and implement conditions ensuring a level playing field for opposition candidates. The event was billed as a meeting of all opposition forces but the absentees (inter alia VP Massoud, Speaker Qanooni, Hazara Leader Mohaqeq) were as noteworthy as the attendees. The presentation, explanation, and subsequent sidebar discussions as well as the absence and vague terms of the actual declaration all suggest disarray among the opposition rather than unity. To the extent this was designed to force Karzai to negotiate on the opposition's terms, the initiative is likely to be seen as stillborn.

Attendees

12. (C) The Afghan attendees included the organizers, Pir Gailani, head of the religiously and politically influential Gailani family and his son Hamid Gailani, Deputy Speaker of the Upper House, United Front presidential candidate Dr. Abdullah Abdullah, announced presidential candidate Dr. Anwarulhaq Ahadi, Junbesh Party leader Sayed Noorullah, United Front Leader and MP Burhanuddin Rabbani, royalist Mustafa Zahir, MP Ishaq Gailani (Hamid's cousin), MP Mahmud Gailani (Pir's grandson), and MP Mohammad Akbari. Noorullah, Ishaq Gailani, and Zahir left abruptly at the speeches, conclusion, not staying for the following reception and informal conversation. The foreign attendees included representatives from the U.K., German, Italian, Polish, Norwegian, and Saudi Embassies, among others.

Notable Absentees

13. (C) Likely presidential candidate Ahmad Ali Jalali and United Front leader First Vice President Ahmad Zia Massoud did not attend. Hamid Gailani announced that Herat Governor Anwari represented Shia leader Ayatollah Mohseni and Ayatollah Orfani represented Hazara leader Mohammad Mohaqeq,

although neither Anwari nor Orfani spoke up to confirm this assertion. Lower House Speaker and UF Leader Yunus Qanooni told poloff he participated in the drafting of the two options but did not attend the reception because he felt it was inappropriate as Parliament's leader to do so.

Discussion

14. (C) Ahadi outlined the group's two options for the interim period: 1) a transition mechanism based on political consensus 2) an interim government following the line of succession delineated in the Afghan Constitution for cases of death or resignation of the President and Vice Presidents, which would likely mean Upper House Speaker Mojaddedi would serve as caretaker president. Under pressure from the questions and comments of the international community, Ahadi admitted that one possible consensus approach would be for Karzai to remain in office until a new president is inaugurated.

15. (C) The DCM presented the U.S. position: the USG's new strategic plan announced on March 27 is a serious renewal of our commitment to Afghanistan, and it is designed to reinforce stability in Afghanistan precisely to help set the conditions for free and fair elections. We would not welcome any solution which puts our commitment at risk especially one which would lead to a period of distraction, political turmoil, and weak governance in the critical electoral period. There is a need for continuity and stability of government from May 22 until the next inauguration as Afghanistan cannot afford the distraction of a prolonged political crisis while facing an insurgency. That said, we

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recognize the concerns of the opposition about a "level playing field" and believe that should be the focus of any discussions leading to a political consensus on the way forward.

16. (C) Later in the discussion, the British Charge presented the U.K. position: Afghan political leadership should take the lead in deciding how to resolve the continuity of authority issue. However, there is a clear need for a stable government. To that end, conditions to ensure a level playing field should be considered.

17. (C) Ahadi rebutted the assertion that a caretaker government would negatively affect the country's security. The leadership of the Ministry of Interior, Ministry of Defense, and National Directorate of Security would remain the same. Thus, the major ministries controlling security would continue as before, as would international military support. Abdullah added that delaying making a decision about the interim period, rather than making the decision to put in a caretaker government, would lead to insecurity.

18. (C) Responding to the German Ambassador's question regarding conditions necessary to guarantee a free and fair election, Abdullah claimed the voter registration numbers were artificially high and questioned the competence, effectiveness, and independence of the Independent Election Commission. Ahadi alleged that some government departments are essentially campaigning for Karzai and claimed the group could provide detailed evidence of these activities if requested.

19. (C) In conversation on the margins with the DCM, Ahadi said the opposition leaders' first choice was to have an interim government, led by someone other than Karzai. Due to the international community's pressure for Karzai remaining in office, however, the leaders decided to present the second option of a political consensus, allowing Karzai to stay in office with limitations geared towards reducing his ability to unfairly tilt the election in his favor. The international community should present its ideas for ways to limit Karzai's power and to level the playing field for the

opposition, Ahadi said.

Comment

¶10. (C) Mohaqqueq's absence and Noorullah's quick departure hints that both leaders (and thus at least factions of the Hazara Wahdat Party and the Uzbek Junbesh Party) are uncomfortable openly supporting the opposition. Although the organizers were at pains to stress that the declaration had the support of such prominent figures as VP Massoud, Speaker Qanooni, Mohaqqueq, and others, and that these three had participated in all the discussions, their absence was noticeable. That, the silence of key figures like Rabbani and the differing interpretations of what was meant by the phrase "transitional mechanism" suggest that there is little agreement on a way ahead even among those supposedly united in their opposition to Karzai. In fact, what they mostly signaled was growing frustration that Karzai is in a commanding position to control the direction and pace of any negotiation. Finally, the weakness and inconsistency of the groups' self-serving arguments were on display to all: we accept the extra-constitutional election date but reject an extra-constitutional extension of Karzai's term of office; we are only concerned about a fair electoral process but want to change the government to achieve that; and, no one except us (especially not the Supreme Court or the Independent Election Commission) can be trusted to act only for the good of the nation.

Declaration

BEGIN TEXT.

In the Name of God

Declaration of Heads of Political Parties and Prominent Political Personalities of Afghanistan

On March 28th, 2009, a large number of Afghan political leaders met to discuss the issue of the end of the presidential term and the need for a transitional mechanism (May 22nd, 2009 until the taking of the oath of office by the newly elected president). The participants unanimously decided that:

¶I. In accordance with article 61 of the constitution of Afghanistan, the term of the president ends on May 22nd of the 5th year after his or her election. Thus, it is unconstitutional for the president and his vice presidents to remain in office after that date. Any disregard of this provision of the constitution will cause serious political unrest throughout the country.

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II. Taking into consideration the fact that elections are not going to be held within a time frame specified by the constitution, to avoid any vacuum of legitimate power and to ensure the transparency of the upcoming elections, it is imperative that all important stakeholders agree on one of the following two options:

- i. a political consensus on a transitional mechanism.
- ii. a transitional mechanism that is based on articles 67 and 68 of the constitution.

Given the urgency of the matter, and taking into consideration the importance of legitimacy of government and the transparency of elections, we hope that all stakeholders will, as soon as possible, accept one of the two alternatives for appointing a transitional head of state.

END TEXT.

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